



THE ATTORNEY GENERAL OF TEXAS

AUSTIN 11, TEXAS

**WILL WILSON
ATTORNEY GENERAL**

November 20, 1958

Mr. Raymond W. Vowell
Executive Director
Board for Texas State Hos-
pitals and Special Schools
Box S, Capitol Station
Austin, Texas

Opinion No. WW-520

Re: Whether the cost of rehabili-
tation services provided to
institutions under the juris-
diction of the Board for
Texas State Hospitals and
Special Schools pursuant to
interagency contracts, may be
paid from the item, "medical
treatment salaries and wages,"
appropriated by House Bill
133, Acts 55th Legislature,
R.S. 1957.

Dear Mr. Vowell:

We have received your letter dated October 10, 1958. You state that the Board for Texas State Hospitals and Special Schools has an interagency contract with the Central Education Agency for the latter to provide vocational rehabilitation services to twelve institutions under the jurisdiction of the Board for Texas State Hospitals and Special Schools. You have requested an opinion as to whether the Board has the authority to pay for these services from the appropriated item, "medical treatment salaries and wages." The validity and enforceability of these contracts is not in question.

House Bill 133, Acts of the 55th Legislature, Regular Session, 1957, Chapter 385, Page 929, which prohibits the transfer of these funds, is quoted as follows:

"The amounts appropriated herein for the item of medical treatment salaries and wages for the respective institutions are deemed by the Legislature to be the minimum amounts for such purpose, and none of such moneys are transferable to other appropriation items or institutions. . . ."

The Attorney General in Opinion No. WW-229 held that rehabilitation costs may be paid from appropriations for medical treatment salaries and wages. It is the opinion of this office that payments made pursuant to such an interagency contract are not a "transfer" within the purview of this Section,

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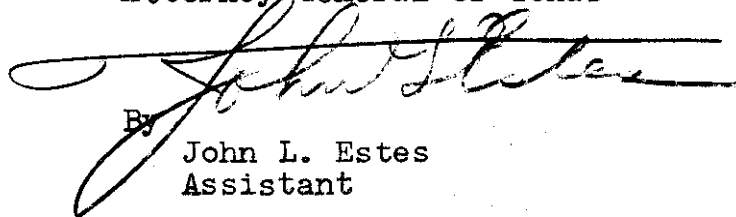
but an expenditure of these funds for the purposes for which they were appropriated and therefore not a violation of the restrictions of this Section.

SUMMARY

Funds appropriated to the Board for Texas State Hospitals and Special Schools as the item "medical treatment salaries and wages" may be used to pay the Central Education Agency costs of rehabilitation services pursuant to an inter-agency contract.

Yours very truly,

WILL WILSON
Attorney General of Texas


By John L. Estes
Assistant

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APPROVED:

OPINION COMMITTEE

Geo. P. Blackburn, Chairman
Houghton Brownlee, Jr.
Ernest John Flowers

REVIEWED FOR THE ATTORNEY GENERAL

BY: W. V. Geppert